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3 Attorneys for USACM Liquidating Trust

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6 UNITED STATES BANKRUPTCY COURT

7 DISTRICT OF NEVADA

8 In re:

9 USA COMMERCIAL MORTGAGE
 COMPANY,

10 USA CAPITAL REALTY ADVISORS, LLC,¹

11 USA CAPITAL DIVERSIFIED TRUST DEED
 FUND, LLC,

12 USA CAPITAL FIRST TRUST DEED FUND,
 LLC,²

13 USA SECURITIES, LLC,³

14 Debtors.

15 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
 Case No. BK-S-06-10726-LBR¹
 Case No. BK-S-06-10727-LBR
 Case No. BK-S-06-10728-LBR²
 Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
 OBJECTION OF USACM TRUST TO
 PROOF OF CLAIM FILED BY COLT
 GATEWAY, LLC; AND CERTIFICATE
 OF SERVICE**

Hearing Date: August 14, 2009
 Hearing Time: 9:30 a.m.

20 THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
 21 THAT YOU FILED. The USACM Trust seeks to disallow your claim.

22 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
 23 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**

25 ¹ This bankruptcy case was closed on September 23, 2008.

26 ² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

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1 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
 2 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**
 3 **CONSULTING, LLC (602-424-7009) OR TO THE UNDERSIGNED COUNSEL.**

4 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust by and
 5 through its counsel, has filed an Objection of USACM Trust to Proof of Claim Filed By
 6 Colt Gateway, LLC; and Certificate of Service (the “Objection”). The USACM Trust
 7 respectfully requests that the Court enter an order pursuant to § 502 of title 11 of the
 8 United States Code (the “Bankruptcy Code”) disallowing your claim against USACM.

9 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
 10 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
 11 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
 12 **August 14, 2009, at the hour of 9:30 a.m.**

13 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON JUNE 12,**
 14 **2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
 15 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
 16 **HEARD ON THAT DATE.**

17 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
 18 by **August 7, 2009,** pursuant to Local Rule 3007(b), which states:

19 If an objection to a claim is opposed, a written response must
 20 be filed and served on the objecting party at least 5 business
 21 days before the scheduled hearing. A response is deemed
 22 sufficient if it states that written documentation in support of
 23 the proof of claim has already been provided to the objecting
 24 party and that the documentation will be provided at any
 25 evidentiary hearing or trial on that matter.

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If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: May 29, 2009.

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (AZ# 18024)
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Counsel for USACM Liquidating Trust

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L A W Y E R S

1 Copy of the foregoing e-mailed or
2 mailed by first class Postage prepaid
U.S. mail On May 29, 2009 to:

3 Colt Gateway LLC
4 c/o Homes for America Holdings
1 Odell Plz
5 Yonkers, NY 10701-1402
86 Main Street, Second Floor
6 Yonkers, NY 10701-2738

7 Colt Gateway LLC
c/o Homes for America Holdings, Inc.
8 Attn: Nancy B. Bensal, Esq., Corporate Counsel
86 Main Street, Second Floor
9 Yonkers, New York 10701-2738
NBensal@hfaholdings.com

10 Daniel G. Hayes
11 Senior Vice President
Homes For America Holdings, Inc.
12 Station Plaza
86 Main Street, 2nd Floor
13 Yonkers, NY 10701

14 _____
15 /s/ Carrie Lawrence
16 Carrie Lawrence
Lewis and Roca LLP

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